



REPORT TO THE PLANNING COMMISSION

CITY COUNCIL CHAMBERS, 3300 CAPITOL AVENUE, FREMONT CA 94538

General Order of Business

1. Preliminary (Call to Order – 7:00 p.m.,
Salute to the Flag, Roll Call, Approval of
Minutes)
2. Consent Calendar
3. Oral Communications
4. Public Hearing Items
5. Matters of Interest
6. Adjournment



Addressing the Planning Commission

Any member of the public may speak on any item under discussion by the Planning Commission after “being recognized” by the Chairperson. To speak, walk to the rostrum directly in front of the Commission and, after the Chairperson recognizes you, state your name and address. Generally, after the Chairperson introduces an item, the order of presentation begins with comments by staff. The project applicant or their authorized representative may then comment. Next, interested members of the public may speak. Additional comments by the applicant or staff, as appropriate, may follow. At the close of testimony, the matter will return to the Planning Commission for discussion and action. Any item not introduced prior to 11:00 p.m. will automatically be “continued,” or held over, to the next regularly scheduled Planning Commission meeting.

Consent Calendar

Items on the Consent Calendar are scheduled public hearing items which are considered routine by the Planning Commission. The Consent items will be enacted by one motion and one vote and include the following:

- Items recommended for continuance to a later meeting.
- Items for which staff has received no indication of public concern and for which staff is recommending approval.
- Items which have been moved from the regular hearing agenda and placed on the Consent Calendar at the beginning of any particular meeting.

Items on the Consent Calendar may be removed by any member of the public or Planning Commission. If removed from the Consent Calendar, the item will be placed on the regular hearing agenda in its normal sequence on the agenda. When the Planning Commission approves a consent item, it approves the staff recommendation together with any conditions of approval included in the recommendation.

Please note that items on the regular hearing agenda may be placed on the Consent Calendar at the beginning of any particular meeting when requested by a member of the Planning Commission and with the approval of the Chairperson. If a Planning Commissioner requests that an item be moved from the regular hearing agenda and placed on the Consent Calendar, the Chairperson will ask if anyone in the audience or any other Commissioner wishes to speak to the item or have the item heard. If no one wishes to do so, the Chairperson may move the item to the Consent Calendar and it will be considered at that time. Accordingly, anyone wishing to speak to an item should be present at the beginning of the meeting.

Oral Communications

Any member of the public desiring to speak on a matter which is not scheduled on this agenda may do so under Oral Communications. As a matter of policy, the Planning Commission does not take immediate action on items presented under Oral Communications.

General Information

The Planning Commission usually meets on the 2nd and 4th Thursday of each month. [Exceptions: Only one meeting in August 27, November 12, and December 10.] Commission meetings are held in the City Council Chambers at 3300 Capitol Avenue.

Stenocaptioning and/or earphones for people who are hearing impaired are available from the Recording Clerk 15 minutes prior to the meeting. A driver's license will be held as a deposit. Commission meetings are open captioned for the deaf in the Council Chambers and closed captioned for home viewing. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the Planning Department at (510) 494-4440. Planning Commission meetings are open captioned for the deaf in the Council Chambers and closed captioned for home viewing. For more information on Planning Commission please visit our website at <http://www.fremont.gov/Construction/PlanningCommission/default.htm> or contact the Planning Department at (510) 494-4440.

The regular meetings of the Fremont Planning Commission are broadcast on Cable Television Channel 27.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the Historical Architectural Review Board less than 72 hours prior to the meeting will be available for public inspection at 39550 Liberty Street during normal business hours, at the time the records are distributed to the Planning Commission.

Copies of staff report are available at the Development Services Center at 39550 Liberty Street (between Stevenson Blvd. and Walnut Ave.) and at City Hall at 3300 Capitol Avenue the week of the meeting and are free of charge. Plans and other supporting documents may be viewed any day until noon the day of the Planning Commission meeting. Copies will be provided at cost when feasible. The Development Services Center is open 8 a.m. to 4 p.m., Mondays through Thursdays; and 8 a.m. to 12 p.m., Fridays.

Planning Commission final agendas, which include location maps, staff reports and proximity maps can also be viewed on the Internet at <http://www.fremont.gov/CityHall/PlanningMeetings/default.htm>.

The Planning Commission meetings are now also live over the Internet. Please note: Live webcasts are only available when the Planning Commission is in session. If the Planning Commission is not in session, the web browser will return a "busy" error.

To send an e-mail message to all of your Planning Commissioners send your message to:
planning_commission@fremont.gov

To leave a voice message for any of the Planning Commissioners, dial the numbers listed below:

David Bonaccorsi:	494-4895 *4998
Yogi Chugh:	494-4895 *4992
Richard King:	494-4895 *4995
Dirk Lorenz:	494-4895 *4997
Daniel Lydon:	494-4895 *4993
Lisa Quan:	494-4895 *4996
Dr. Rakesh Sharma:	494-4895 *4994

We appreciate your interest in the conduct of your City's business. Information about the City or the items discussed in this report may be referred to:

Planning Commission Secretary
City of Fremont Planning Division
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Telephone: 510-494-4440

Planning Commissioners

Dr. Rakesh Sharma, Chairperson

Dirk Lorenz, Vice Chairperson

David Bonaccorsi

Yogi Chugh

Richard King

Daniel Lydon

Lisa Quan

City Staff

Jeff Schwob/Wayne Morris, Planning Commission Secretaries

Joan Borger, Assistant City Attorney

Scott Rennie, Senior Deputy City Attorney

Alice Malotte, Recording Clerk



AGENDA
FREMONT PLANNING COMMISSION MEETING, MAY 28, 2009
COUNCIL CHAMBERS, CITY HALL, 7:00 P.M.

1. PRELIMINARY

- 1.1 CALL TO ORDER**
- 1.2 SALUTE TO THE FLAG**
- 1.3 ROLL CALL**
- 1.4 APPROVAL OF MINUTES** – Regular Meeting of May 14, 2009
- 1.5 DISCLOSURES**

2. CONSENT CALENDAR:

NOTICE: ITEMS ON THE PUBLIC HEARING CALENDAR MAY BE MOVED TO THE CONSENT CALENDAR IF NO ONE IS PRESENT TO SPEAK ON THE ITEMS. ALL APPLICANTS AND INTERESTED PERSONS ARE ADVISED TO BE PRESENT AT THE START OF THE MEETING.

Item 1. SAHNI RESIDENCE – 44529 VISTA GRANDE COURT – (PLN2009-00184) – to consider a Preliminary Grading Plan application for a new single family home located in the Mission San Jose Planning Area. A mitigated Negative Declaration was previously adopted for the subdivision Tract Map and Planned District (P-90-17).

Project Planner – Susan Summerford, (510) 494-4543, ssummerford@fremont.gov

Recommended Action: Approve, based on findings and subject to conditions.

Item 2. WEST COAST MARTIAL ARTS – 39030 PASEO PADRE PARKWAY – (PLN2009-00210) – to consider a Conditional Use Permit for a martial arts studio located in the Central Planning Area. This project is exempt from the California Environmental Quality Act (CEQA) per guideline 15301, Existing Facilities. Project Planner – Spencer Shafsky, (510) 494-4452, sshafsky@fremont.gov

Recommended Action: Approve, based on findings and subject to conditions

Item 3. TEMPORARY FIRE STATION #3 – 3983 WASHINGTON BOULEVARD – (PLN2009-00215) – to consider a Conditional Use Permit for a temporary location for Fire Station #3 to include a temporary office trailer, a temporary fabric structure for equipment cover, and an emergency back-up generator for the Fire Department staff to be located in the Irvington Planning Area. This project is exempt from the

California Environmental Quality Act (CEQA) per guideline 15303, New Construction of Structures.

Project Planner – Spencer Shafsky, (510) 494-4452, sshafsky@fremont.gov

Recommended Action: Approve, based on findings and subject to conditions.

3. PUBLIC/ORAL COMMUNICATIONS

4. PUBLIC HEARING ITEMS - None

5. MISCELLANEOUS ITEMS

Information from Commission and Staff:

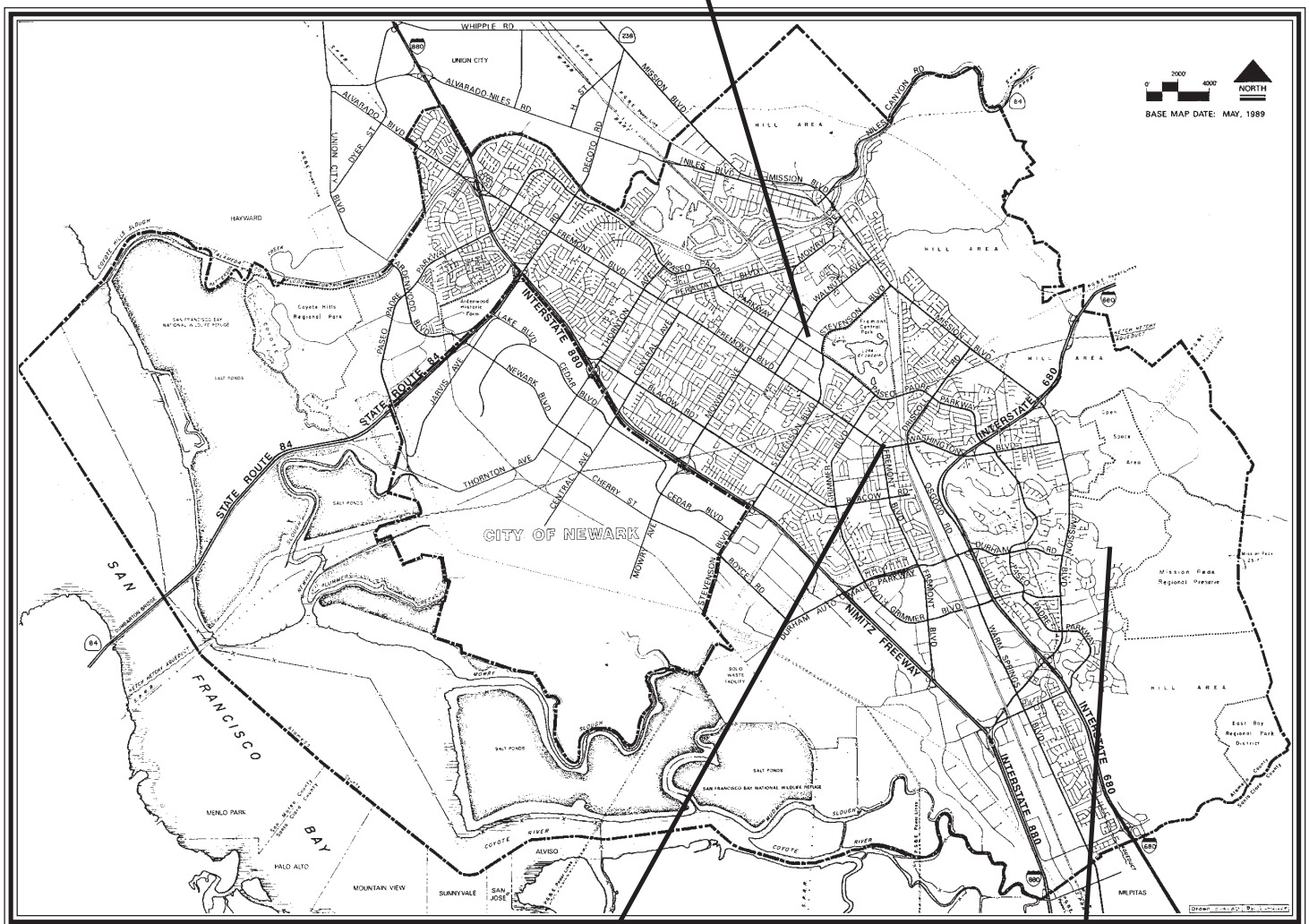
- Information from staff: Staff will report on matters of interest.
 - Report on actions of City Council Regular Meeting
- Information from Commission: Commission members may report on matters of interest.

6. ADJOURNMENT

Proximity Map

This map shows the general location of projects (by file number) which are scheduled for Planning Commission consideration.

2) West Coast Martial Arts PLN2009-00210



3) Temporary Fire Station #3 PLN2009-00215

1) Sahni Residence PLN2009-00184



PLANNING COMMISSION STAFF REPORT MAY 28, 2009

Project: SAHNI RESIDENCE PRELIMINARY GRADING PLAN- (PLN2009-000184)

Proposal: To consider a Preliminary Grading Plan for a new single family residence in an existing subdivision.

Recommendation: Approve, based on findings and subject to conditions.

Location: 44529 Vista Grande in the Mission San Jose Planning Area.
APN: 513-0746-007-00
(See aerial photo next page)

Area: 55,684 square foot existing vacant lot (9,291 square foot house proposed and currently under review)

People: Indra Sahni, Applicant and Owner
Tony Meo, Agent of Applicant
Rob Diestler, Engineer
Susan H. Summerford, Staff Planner (510) 494-4543;
ssummerford@fremont.gov

Environmental Review: Mitigated Negative Declarations were previously circulated and approved for the Planned District subdivision and subsequent revised preliminary grading plan for the subdivision of which this lot is a part.

General Plan: Hill Face Open Space

Zoning: Planned District, P-90-17,

EXECUTIVE SUMMARY:

To consider a request for a preliminary grading plan approval for the cut of 1,350 cubic yards and fill of 75 cubic yards of material to accommodate the eventual construction of a 9,291 square foot single family home in an established planned district. Contours on the site vary from 514 to 540 feet, necessitating an amount of cut that exceeds what can be administratively approved. The proposed home is currently undergoing Site Plan and Architectural Review for Building Permit issuance. The architectural design is not subject to review by the Planning Commission due to the project subdivision approval occurring prior to the requirement that homes in the hill area exceeding 7,500 square feet in size be reviewed at Planning Commission level. Staff recommends approval of the Preliminary Grading Plan based on Findings and subject to Conditions.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES: North: Hill Face Open Space; Low and Very Low Residential
 South: P-96-11, Low Density Residential
 East: P-83-7; Institutional Open Space
 West: P-90-17, Low Density Residential

BACKGROUND AND PREVIOUS ACTIONS:

On November 19, 1991, City Council approved Planned District (P-90-17) and Preliminary Grading Plan (PGP-90-16) for the development of a proposed twenty-one lot subdivision, to accommodate 19 residential units. September 24, 1992, the Planning Commission approved Vesting Tentative Tract Map 6546 for the subdivision of the subject property in the manner approved by the Planned District. The project known as Vista Grande was approved by the Planning Commission September 12, 2002 and involved the development of 19 lots for custom homes, with a caveat that the homes did not require Planning Commission review for construction. The final map for Vesting Tentative Tract Map 6456 (now for 17 lots) was recorded on July 11, 2005.

The proposed single family home for the subject parcel is currently being reviewed under the City's Building Permit with Site Plan and Architectural Review process by staff. A preliminary grading plan for the installation of infrastructure for the subdivision that was approved October 1991 was done with the understanding that individual lots would require additional grading for home construction and to satisfy fire and emergency vehicle access and staging areas.

PROJECT DESCRIPTION:

As described, the scope of work for the project is a preliminary grading plan for the cut and removal of 1350 cubic yards of materials from the subject site; of which 75 cubic yards will be used as fill material onsite. The remaining excavated material will be removed and delivered to a recipient undetermined at this time. Per Fremont Municipal Code (hereinafter "FMC") Chapter 4, Grading, Erosion and Sediment Control, the applicant is required to determine the recipients of all excavated materials as well as provide a route map for the transfer of said materials. These requirements must be satisfied prior to the issuance of a grading permit.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Hill Face Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because the subject parcel is part of an established subdivision, which was required to make findings of conformity to the General Plan prior to approval. The findings for approval of the subdivision included:

HEALTH AND SAFETY OBJECTIVE HS 1.1:	Development which responds to and minimizes geologic hazards.
HEALTH AND SAFETY POLICY HS1.1.2:	Require proposed new development in areas of potential geologic hazard identified on Figure 10-1, Slope Instability Map, of the General Plan to evaluate geologic hazards and sufficiently mitigate hazards through site planning, appropriate construction techniques, building design and engineering.

Zoning Regulations:

Fremont Municipal Code Section 8-21822.1 provides development standards for projects designated as being located above the Toe of the Hill, including the following requirements:

- All structures shall be designed to conform to the contours established with a grading plan. Structures shall be planned to minimize any grading outside the structure's foundation and driveway. Structures shall be designed to fit the land, instead of modifying the land to fit the structure.
- Where grading permits are required, a professional engineer registered in the State of California shall be retained to prepare

Staff reviewing the project under BPSPAR has determined that the proposed new house does meet the intent and letter of these requirements. Additionally, a peer reviewed geotechnical report commissioned specifically for the development of this site corroborates this statement.

Grading & Drainage:

The existing topography slopes from east to west with elevations ranging between 560 feet to 515 feet above mean sea level. The project site is moderately steep with average slopes of approximately eighteen to twenty percent (18%-20%).

The project site is required to install an emergency vehicle access and turn around onsite. To meet the requirements for the emergency access and turn around, retaining walls along the drive aisle will be used to "flatten" the steep slopes of the site. With the large vertical elevation drop across the lot, retaining walls will also be incorporated with the building foundation. This will allow level patio areas and positive drainage away from the house.

The earthwork quantities estimated for the project are 1,350 cubic yards of cut and 75 cubic yards of fill, for a total of 1,425 cubic yards of grading. Prior to the issuance of a grading permit, the applicant shall submit a proposed disposal site and truck route for the off-haul material for review and approval of the City Engineer.

Most of the drainage onsite will be conveyed to a storm drain system, discharging at two "t-dissipators" at the westerly side of the lot. Landscaping and rocks are proposed down slope from the t-dissipators to filtrate and prevent erosion. Drainage to the north of the property will drain to the existing v-gutter, which was installed with the subdivision.

Geologic Hazards:

The project site is within an area of potential Earthquake Induced Landslide on the official Seismic Hazard Zone maps, released by the State Geologist. During review and construction of the subdivision, an ancient landslide boundary zone and setback was established by the subdivision geologist. The subdivision seismic hazard report and construction was reviewed and approved by the City's geotechnical consultant.

The southwestern corner of the proposed building extends approximately 20 feet into the setback established in the subdivision report. The project geotechnical consultant completed an evaluation of the ancient landslide boundary zone and the project report concludes that the proposed residence can be constructed as currently planned. The project report was reviewed and approved by the City's geotechnical consultant.

Environmental Review:

An Initial Study and Mitigated Negative Declaration were previously approved for the subdivision tract and planned district in 1991 (EIA 90-92). In 1998 the Mission Peak Landslide occurred in the Fremont hill area. The 1998 Mission Peak Landslide Study (dated February 2000), conducted by Geolith Consultants on behalf of the City identified and mapped numerous historic landslides and areas susceptible to landslides. The 2002 Initial Study and Subsequent Mitigated Negative Declaration evaluated only this new geotechnical information which was not known, and could not have been known, at the time the previous Mitigated Negative Declaration was adopted in 1991. All prior mitigation measures identified in the 1991 and 2002 Mitigated Negative Declarations still apply and are included in this report as conditions of approval.

A subsequent Initial Study was also prepared to analyze the revised Preliminary Grading Plan for the subdivision. The environmental analysis did not identify any new potential impacts as a result of the proposed project that had not been identified in previous environmental documents and accordingly, a Negative Declaration was approved by the Planning Commission on March 11, 2004.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 21 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 12, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on May 13, 2009.

ENCLOSURES:

Exhibits:

- Exhibit "A" [Grading and Drainage Plan and Erosion Control Plan](#)
Exhibit "B" [Findings and Conditions](#)

Informational:

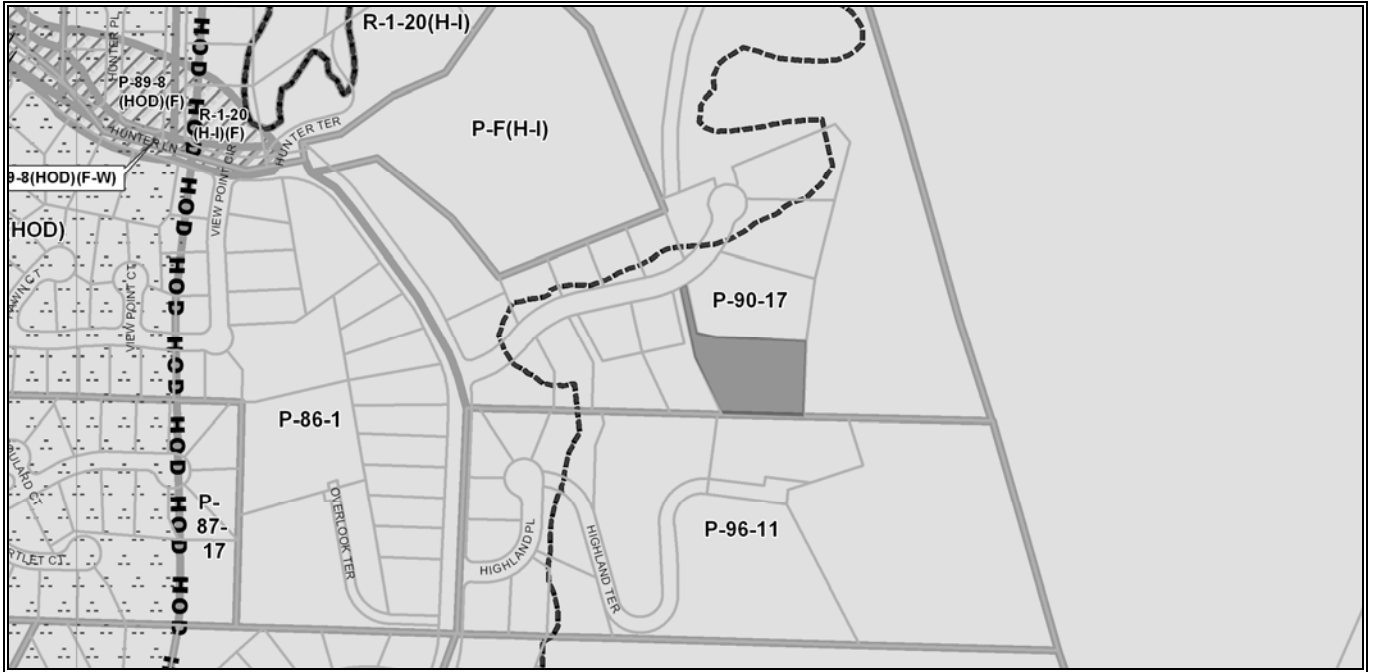
1. [Conditions of Approval, P-90-17](#)

RECOMMENDATION:

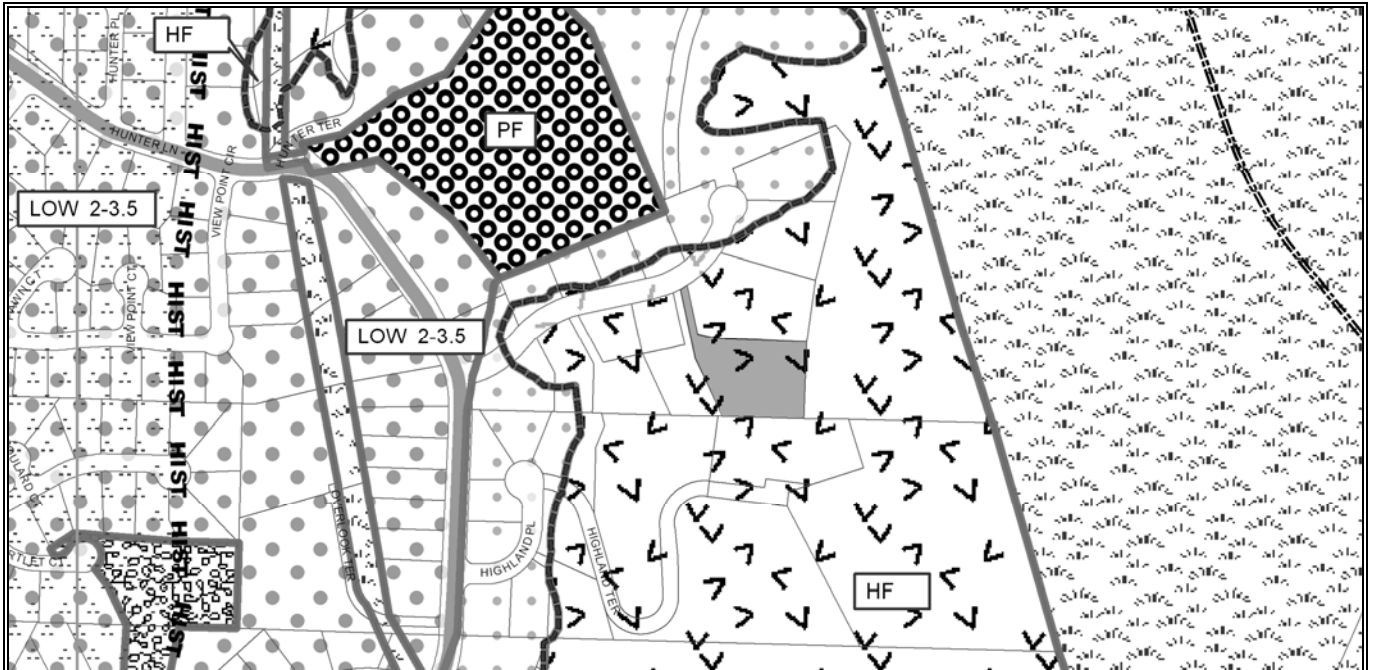
1. Hold public hearing.
2. Find that the previously approved Mitigated Negative Declarations address the proposed project sufficiently and that no additional environmental review is required.
3. Find that the proposed preliminary grading plan is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Health and Safety Chapters as enumerated within the staff report.
4. Approve the proposed Preliminary Grading Plan, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan





**PLANNING COMMISSION STAFF REPORT
MAY 28, 2009**

Project: WEST COAST MARTIAL ARTS- (PLN2009-00210)

Proposal: To consider a Conditional Use Permit to allow a martial arts studio

Recommendation: Approve, based on findings and subject to conditions

Location: 39030 Paseo Padre Parkway in the Central Planning Area.
APN 507-0465-013-01
(See aerial photo next page)

Area: 1,995 square foot tenant space in an existing 194,817 building.

People: Richard Urbano, Applicant
Barbara Hall, Owner
Spencer Shafsky, Staff Planner (510) 494-4452; sshafsky@fremont.gov

Environmental Review: This project is exempt from the California Environmental Quality Act (CEQA) per guideline 15301, Existing Facilities.

General Plan: Central Business District

Zoning: Central Business District, C-B-D

EXECUTIVE SUMMARY:

West Coast Martial Arts has submitted an application for a Conditional Use Permit to open a martial arts studio in a 1,995 square foot tenant space within an existing commercial shopping center. The proposed hours of operation are generally 2 p.m. to 9 p.m. Monday through Friday and 9 a.m. to 12 p.m. on Saturday.

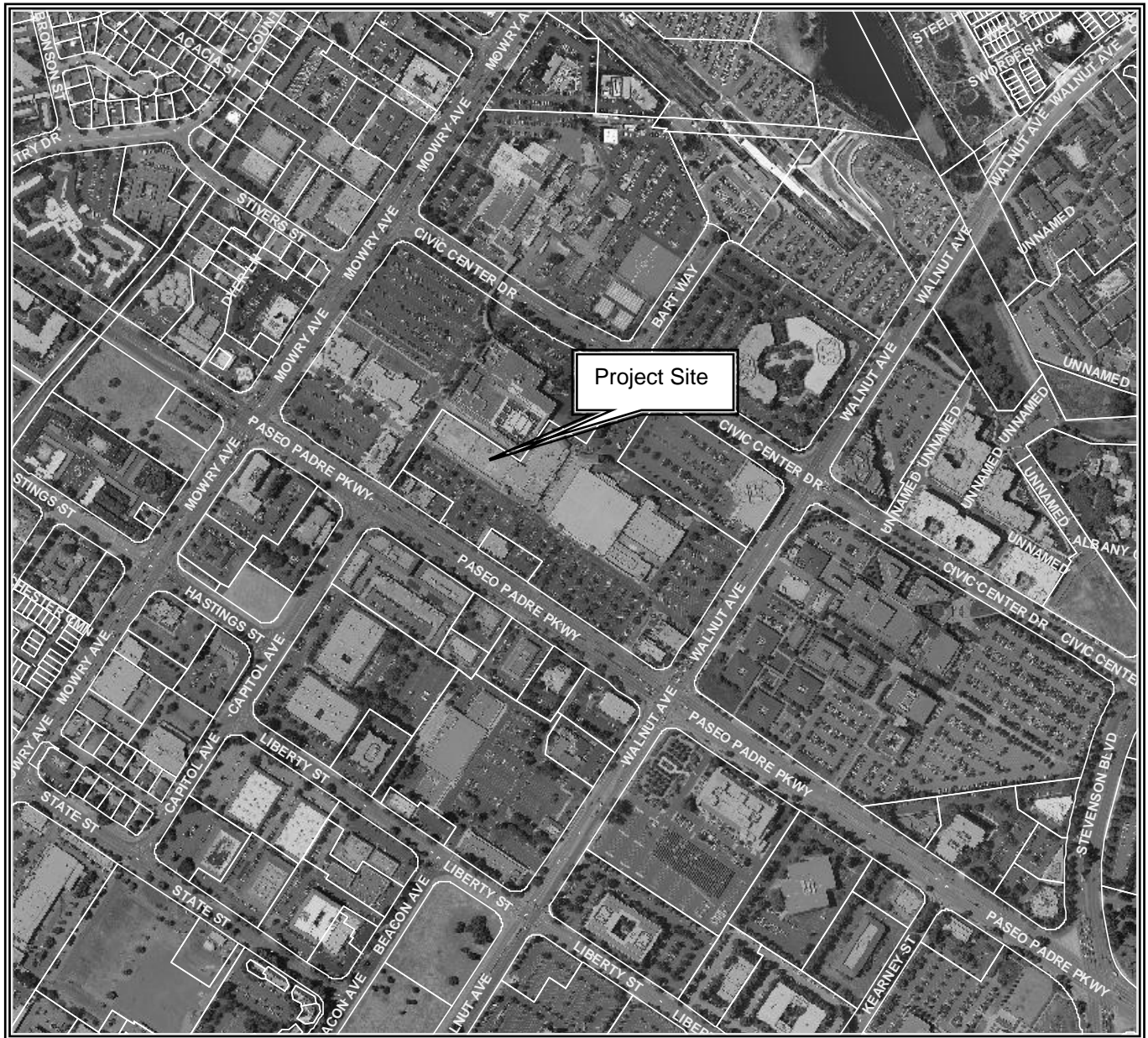


Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.

SURROUNDING LAND USES:

- North: Office Buildings
- South: Shopping Center
- East: Washington Medical Center
- West: Shopping Center

BACKGROUND AND PREVIOUS ACTIONS:

This project is located in the Gateway Shopping Center. The center was substantially remodeled in 2002 and includes a variety of retail shops, restaurants and a grocery store.

PROJECT DESCRIPTION:

The applicant proposes to open a 1,995 square foot martial arts studio in the Gateway Plaza shopping center. Each class session will have a maximum of 20 students plus one to three instructors. Site improvements will be minimal as the studio only requires an open plan floor with matting for the karate instruction, restroom and reception area. Class times range from 30-45 minutes.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because the Central Business District allows a variety of services as permitted uses as well as selected services as Conditional Uses, such as dance and karate studios. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LAND USE (LU) GOAL 2: Commercial development focused in well defined commercial areas.

Analysis: The proposed location is within an existing commercial building along Paseo Padre Parkway that is a well defined commercial area and is surrounded by a variety of commercial uses.

Policy LU 2.4: The following list of allowed uses for the Central Business District is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

Analysis: "All service uses are allowed in the C-B-D". The martial arts studio falls under the services category and is consistent with the General Plans' land use designation.

Zoning Regulations:

As set forth in Section 8-21203 of the Fremont Municipal Code (FMC), dance halls, studios and schools are allowed in the C-B-D district subject to a Conditional Use Permit. Martial arts studios are similar in nature to a dance studio and fall under the same Conditional Use requirement.

Parking:

Shopping centers are provided with one parking space for each 250 square feet of use. While the anticipated number of students is up to 20 per class, the majority of these will be drop off's and the vehicles will not remain on site or they will be part of a combined shopping trip where parents run

errands while the children training. As such, the parking for this use is in alignment with the available parking.

Design Analysis:

Site Planning:

The proposed use is within an existing commercial shopping center with fully developed landscaping and site improvements. The applicant is not proposing to make any exterior modifications to the existing building.

Circulation:

The proposed development is located on Paseo Padre Parkway, which is an arterial street with full street improvements along the project's frontage. Trip estimate calculations were conducted to compare the previous use for the building (shopping center) and the proposed use. The proposed project is estimated to generate 30 additional PM peak hour trips. Paseo Padre Parkway has an existing PM peak hour volume of 2,289 vehicles. The proposed project would increase the PM peak hour volume by 1.3 %. Based on the estimated net project trips, the project should not have a significant traffic impact.

Applicable Fees:

This project will not be subject to citywide development impact fees as the use is already covered by the existing buildings.

Environmental Review:

This project is exempt from the California Environmental Quality Act (CEQA) per guideline 15301, Existing Facilities.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 237 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 15, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on May 13, 2009.

ENCLOSURES:

Exhibits:

- Exhibit "A" [Site Plan, Floor Plan](#)
- Exhibit "B" [Findings and Conditions](#)

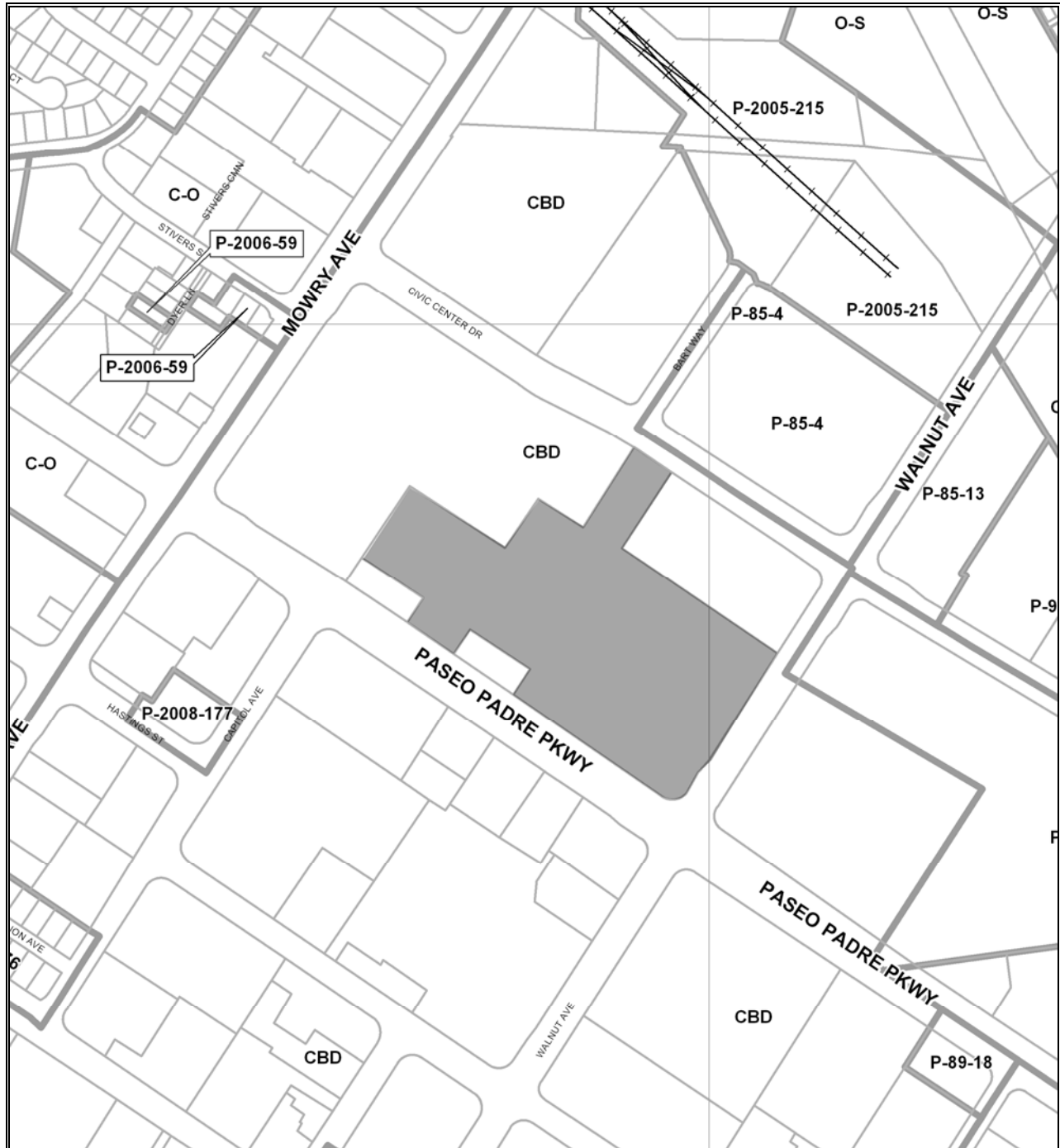
Informational Items:

1. [Applicant Statement of Operations](#)

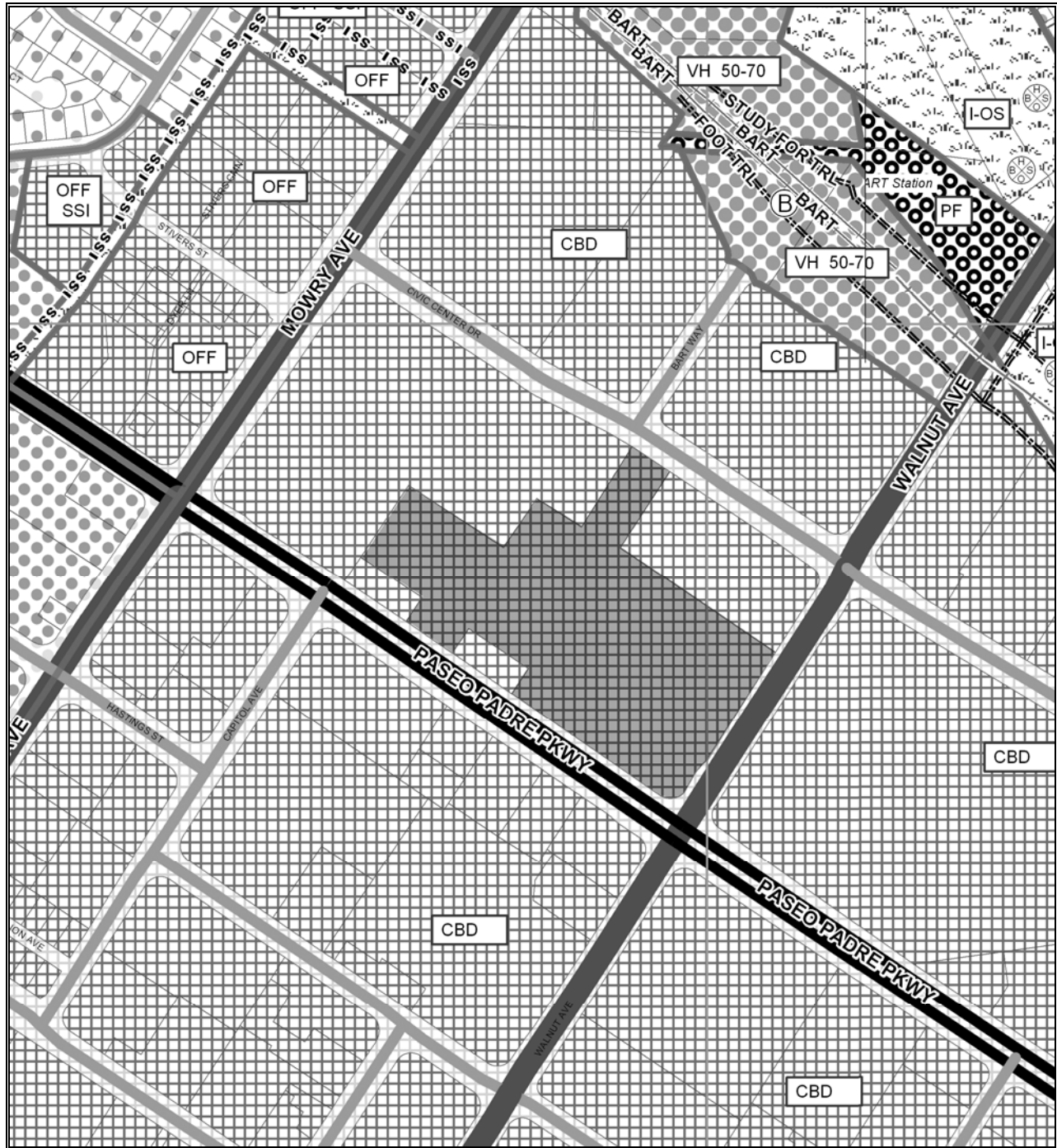
RECOMMENDATION:

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) per Guideline 15301 Existing Facilities.
3. Find Conditional Use Permit is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approve Conditional Use Permit PLN2009-00210, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan





PLANNING COMMISSION STAFF REPORT MAY 28, 2009

Project:	TEMPORARY FIRE STATION #3 - (PLN2009-00215)
Proposal:	To consider a Conditional Use Permit to allow for a temporary fire station #3 located on a vacant commercial site.
Recommendation:	Approve, based on findings and subject to conditions.
Location:	3983, 3961 and 3955 Washington Boulevard in the Irvington Planning Area. APNs 525-0629-015-07, 525-0629-014-03, 525-0629-013-04 (See aerial photo next page)
Area:	1,350 square foot proposed temporary garage and a 1,440 square foot temporary trailer on a .38-acre lot
People:	Martha Martinez, City of Fremont, Applicant Terence Chow, Property Owner Spencer Shafsky, Staff Planner (510) 494-44452; sshafsky@fremont.gov
Environmental Review:	This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303, New Construction or Conversion of Small Structures.
General Plan:	Community Commercial
Zoning:	Community Commercial

EXECUTIVE SUMMARY:

The applicant, the City of Fremont, requests a Conditional Use Permit to allow a temporary fire station #3 to be located at the proposed site, for a period of eighteen months while the permanent station undergoes a seismic retrofit. The proposed temporary fire station facility would consist of a 1,350 square foot temporary garage, a 1,440 square foot temporary office trailer, and an emergency back-up generator.

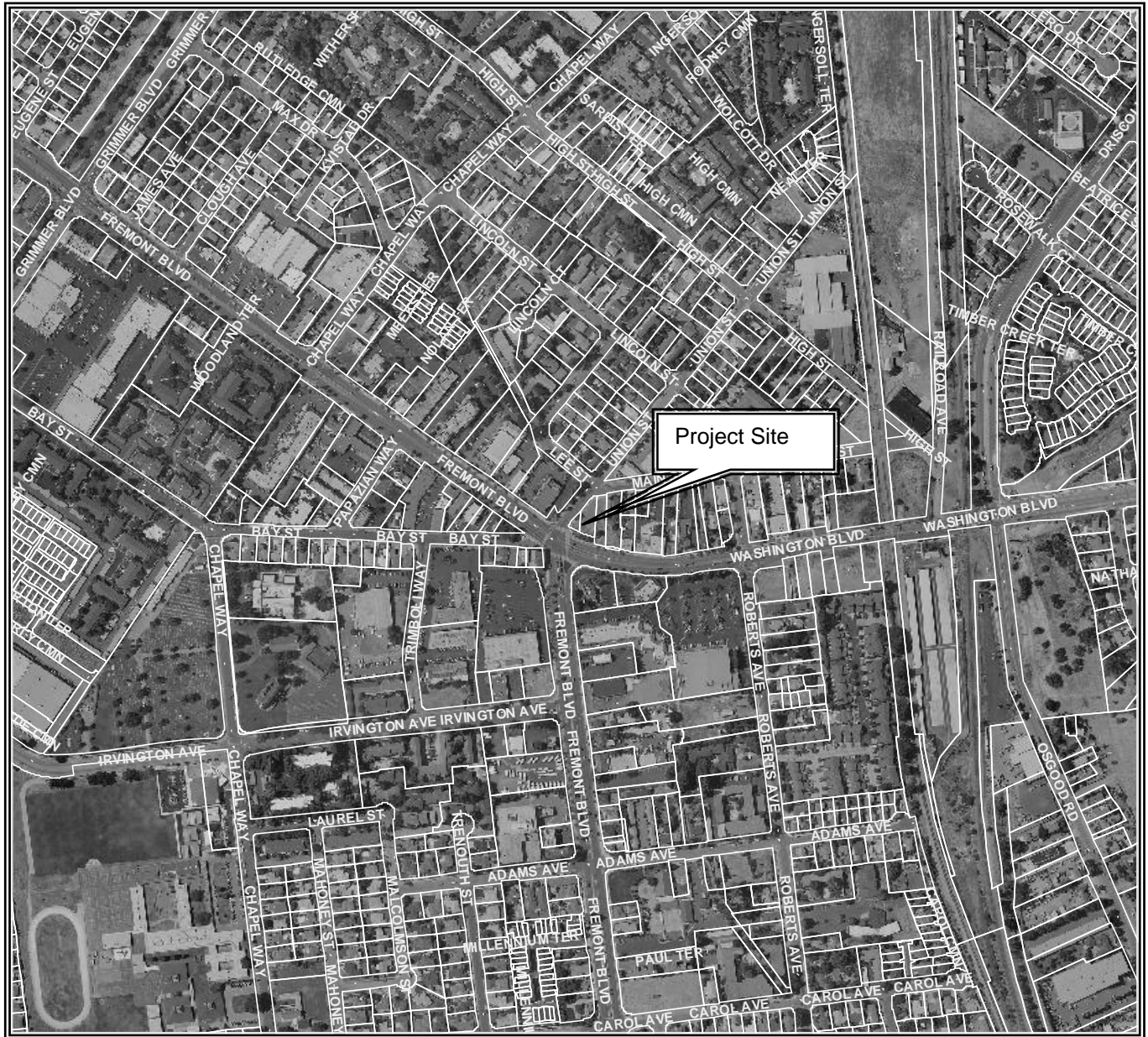


Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.

SURROUNDING LAND USES:

- North: Commercial Buildings
- South: Commercial Buildings
- East: Low Density Residential and Office Buildings
- West: Commercial Buildings

BACKGROUND AND PREVIOUS ACTIONS:

The Fire Department not only responds to fires but is the first agency called in the event of a medical or hazardous materials emergency. In 1985, the City Council adopted a plan to improve fire and emergency response service within the City. The plan called for expansion of the City's then existing eight stations to eleven stations within the City of Fremont as well as other improvements. As part of the plan, existing fire stations were to undergo seismic retrofits to bring them up to the current building and safety codes. Station #3 is now scheduled to undergo the seismic retrofit and the temporary station will be used for a period of eighteen months while the work is being completed.

PROJECT DESCRIPTION:

The City of Fremont is requesting approval of a Conditional Use Permit for a temporary fire station for use while the existing fire station #3 on Chapel Way is undergoing a seismic retrofit. The proposed temporary fire station will be located on a vacant lot bounded by Washington Avenue, Union Street and Main Street. The access to the site is via Main Street. The proposed facilities include:

- A double wide 1,440 square foot trailer with accessibility ramp;
- A 1,350 square foot fabric stressed membrane structure for protection of fire apparatus;
- A small emergency back-up generator.

The trailer is used as the office and living space for the on duty personnel. The fabric structure is utilized as the garage space for the fire engine. Four parking spaces will also be used by staff. The current construction schedule calls for installation of the temporary fire station facilities at the proposed location by the end of June, 2009 for up to 18 months. The site will be restored to the existing condition when the use as a fire station ceases. All landscaping that might be removed to install the temporary fire station will also be replaced.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Community Commercial. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed use contributes towards providing adequate levels of fire equipment and personnel to protect the community. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

HEALTH AND SAFETY (HS) GOAL 5: A 5 minute 30 second response time for emergencies in areas below the toe of the hill

Analysis: This temporary fire station will continue to provide emergency response time to the local area to meet the 5 minute 30 second response time while the permanent fire station #3 is upgraded.

Objective HS 4.1: Development locations and standards which limit the potential health and safety risks, and the risks of severe economic loss due to fire hazards

Policy 4.1.1: Provide an adequate level of fire equipment and personnel to protect the community.

Analysis: The proposed location of the temporary fire station continues to provide fire service through construction of new stations, movement of stations, and other improvements.

Zoning Regulations:

As set forth in Section 8-21103 of the Fremont Municipal Code (FMC), public uses such as a temporary fire station are allowed in the existing Community Commercial district subject to a Conditional Use Permit.

Parking:

The proposed site is currently vacant and does not have designated parking. A total of four (4) standard parking spaces will be provided on site for fire personnel in a gravel area near the office module. A steel plate driveway shall be installed leading to the temporary garage for the fire vehicle access.

Design Analysis:

Architecture:

The proposed modular building is subject to review in accordance with adopted design standards for modular buildings. The proposed modular building is painted gray with blue trim and with an exterior finish similar to stucco. Screening at the foundation of the building is recommended and will be designed to read as the “base” of the building. The stressed membrane structure is constructed or extruded aluminum arches integrally connected to a highly tensioned all-weather outer membrane that is flame retardant and painted granite gray in color.

Circulation:

Access to the site is via an existing driveway from Main Street. Fire vehicles will back into the driveway to the garage, so exiting will be forward. The existing site is undeveloped; however adequate parking will be added to the site to accommodate fire personnel. A total of four (4) standard parking spaces are proposed. A new sign will be installed warning of a fire station.

Applicable Fees:

This project will not be subject to Citywide Development Impact Fees as the applicant is proposing to place a temporary modular building on a vacant and no other improvements are being proposed as part of this project.

Environmental Review:

This project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303, New Construction or Conversion of Small Structures.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 188 notices were mailed to owners and occupants of property within 500 feet of the site. The notices to owners and occupants were mailed on May 14, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on May 13, 2009.

ENCLOSURES:

Exhibits:

- Exhibit "A" [Site Plan and Floor Plans](#)
- Exhibit "B" [Findings and Conditions of Approval](#)

Informational Items:

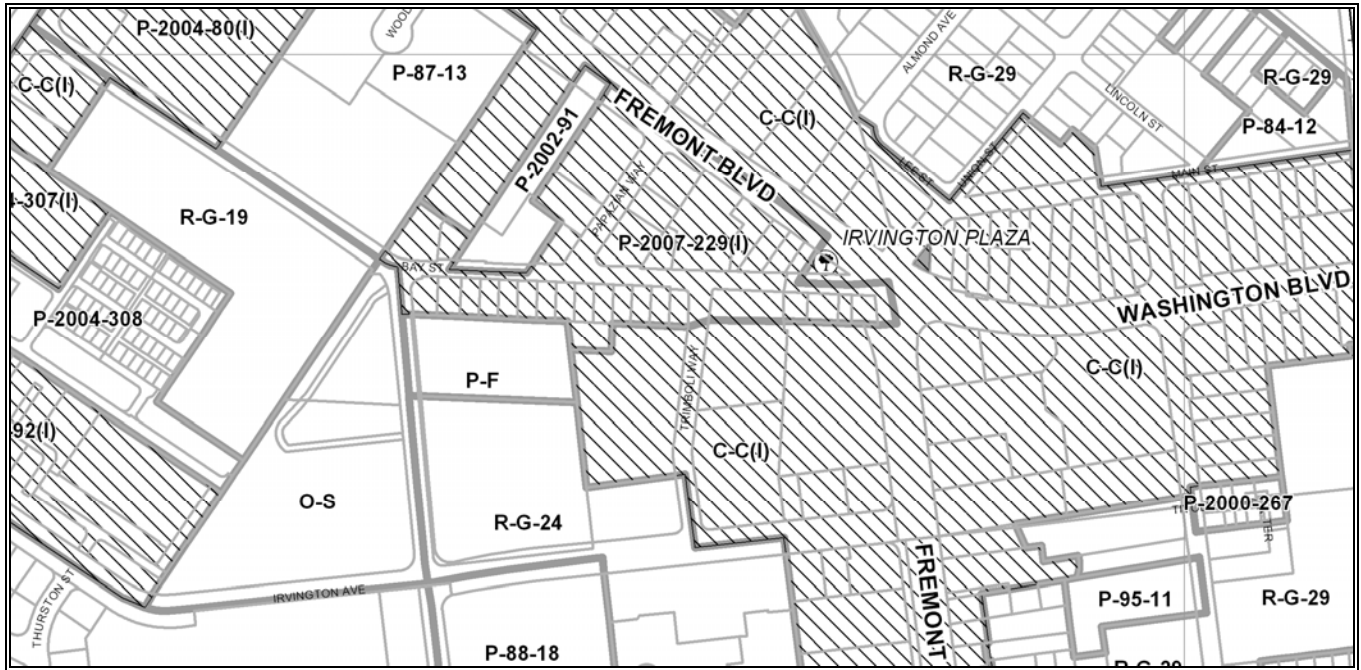
1. [Proposal Statement](#)
2. Color/Materials Sample Board

RECOMMENDATION:

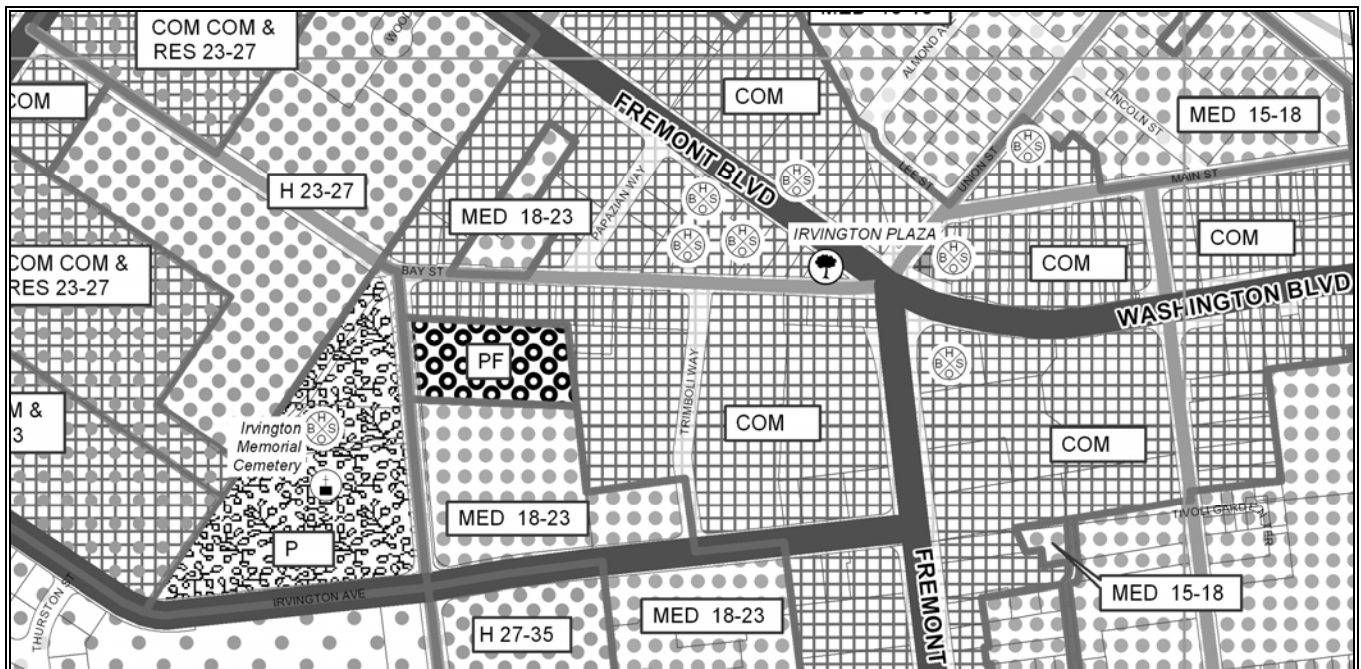
1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15303, New Construction or Conversion of Small Structures.
3. Find Conditional Use Permit PLN2009-00215 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Health and Safety Chapter as enumerated within the staff report.
4. Approve Conditional Use Permit PLN2009-00215, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan



ACRONYMS

ABAG	Association of Bay Area Governments	HBA	Home Builders Association
ACCMA	Alameda County Congestion Management Agency	HRC	Human Relations Commission
ACE	Altamont Commuter Express	IS	Initial Study (CEQA)
ACFCD	Alameda County Flood Control District	JPA	Joint Powers Authority
ACTA	Alameda County Transportation Authority	Ldn/DNL	Day-Night Average Sound Level
ACTIA	Alameda County Transportation Improvement Authority	LLMD	Lighting and Landscaping Maintenance District
ACWD	Alameda County Water District	LOS	Level of Service
BAAQMD	Bay Area Air Quality Management District	MND	Mitigated Negative Declaration (CEQA)
BART	Bay Area Rapid Transit	MMRP	Mitigation Monitoring and Reporting Program (CEQA)
BCDC	Bay Conservation & Development Commission	MTC	Metropolitan Transportation Commission
BMPs	Best Management Practices	NEPA	National Environmental Policy Act
BMR	Below Market Rate	ND	Negative Declaration (CEQA)
CBD	Central Business District	NOC	Notice of Completion (CEQA)
CC&R's	Covenants, Conditions & Restrictions	NOD	Notice of Determination (CEQA)
CDBG	Community Development Block Grant	NOP	Notice of Preparation
CDD	Community Development Department	NPDES	National Pollutant Discharge Elimination System
CEQA	California Environmental Quality Act	PC	Planning Commission
CIP	Capital Improvement Program	PD	Planned District
CMA	Congestion Management Agency	PUC	Public Utilities Commission
COF	City of Fremont	PVAW	Private Vehicle Accessway
CUP	Conditional Use Permit	PWC	Public Works Contract
dB	Decibel	RDA	Redevelopment Agency
DEIR	Draft Environmental Impact Report (CEQA)	RFP	Request for Proposals
DO	Development Organization	RFQ	Request for Qualifications
DU/AC	Dwelling Units Per Acre	RHNA	Regional Housing Needs Allocation
EBRPD	East Bay Regional Park District	ROP	Regional Occupational Program
EDAB	Economic Development Alliance for Business (County)	ROW	Right of Way
EDAC	Economic Development Advisory Commission (City)	RTC	Response to Comments (CEQA)
EIA	Environmental Impact Analysis	RWQCB	Regional Water Quality Control Board
EIR	Environmental Impact Report (CEQA)	SPAA	Site Plan and Architectural Approval
EIS	Environmental Impact Statement (NEPA)	STIP	State Transportation Improvement Program
FAR	Floor Area Ratio	TCRDF	Tri-Cities Recycling and Disposal Facility
FEIR	Final Environmental Impact Report (CEQA)	T&O	Transportation and Operations Department
FEMA	Federal Emergency Management Agency	TOD	Transit Oriented Development
FFD	Fremont Fire Department	TS/MRF	Transfer Station/Materials Recovery Facility
FMC	Fremont Municipal Code	UBC	Uniform Building Code
FPD	Fremont Police Department	USD	Union Sanitary District
FUSD	Fremont Unified School District	VTa	Santa Clara Valley Transportation Authority
GIS	Geographic Information System	WMA	Waste Management Authority
GPA	General Plan Amendment	ZA	Zoning Administrator
HARB	Historical Architectural Review Board	ZAP	Zoning Administrator Permit
		ZTA	Zoning Text Amendment

PLEASE DO NOT REMOVE FROM PACKET

2009 PLANNING COMMISSION MEETINGS

Date	Meeting Type
1/08	Planning Commission Meeting
1/15	Long Range/General Plan Meeting for Planning Commission
1/22	Planning Commission Meeting
2/12	Planning Commission Meeting
2/19	Long Range/General Plan Meeting for Planning Commission
2/26	Planning Commission Meeting
3/12	Planning Commission Meeting
3/19	Long Range/General Plan Meeting for Planning Commission
3/26	Planning Commission Meeting
4/9	Planning Commission Meeting
4/16	Long Range/General Plan Meeting for Planning Commission
4/23	Planning Commission Meeting
5/14	Planning Commission Meeting
5/21	Long Range/General Plan Meeting for Planning Commission
5/28	Planning Commission Meeting
6/11	Planning Commission Meeting
6/18	Long Range/General Plan Meeting for Planning Commission
6/25	Planning Commission Meeting
7/9	Planning Commission Meeting
7/16	Long Range/General Plan Meeting for Planning Commission
7/23	Planning Commission Meeting
8/27	Planning Commission Meeting
9/10	Planning Commission Meeting
9/17	Long Range/General Plan Meeting for Planning Commission
9/24	Planning Commission Meeting
10/8	Planning Commission Meeting
10/15	Long Range/General Plan Meeting for Planning Commission
10/22	Planning Commission Meeting
11/12	Planning Commission Meeting
11/19	Long Range/General Plan Meeting for Planning Commission
12/10	Planning Commission Meeting
12/17	Long Range/General Plan Meeting for Planning Commission